

**ADDENDUM**  
to an  
**APPLICATION**

for an

**IDAHO COMMUNITY DEVELOPMENT  
BLOCK GRANT**

**Wastewater System Improvements Project**

by the

**City of Buhl**

***Tom McCauley, Mayor***

**March 5th, 2009**

# City of Buhl Twin Falls County Idaho

Address: 203 North Broadway --- Buhl, Idaho 83316  
Telephone: Area Code (208) 543-5650 Fax (208)543-2884

March 5, 2010

Donald A. Dietrich, Director  
Idaho Department of Commerce  
P.O. Box 83720  
Boise, ID 83720-0093

RE: CITY OF BUHL APPLICATION FOR ICDBG ASSISTANCE

Dear Mr. Dietrich:

The City of Buhl would like to express our sincere appreciation for the invitation to submit an addendum to our Idaho Community Development Block Grant application. This letter, with its attachments, will serve as our addendum and our response to each of the specific items outlined in Lane Packwood's letter of February 1, 2010.

Our community is faced with documented critical need and compliance issues related to our wastewater system. We are under a Consent Order from EPA and are being mandated to complete this project.

There have been no changes to the proposed project scope or budget since the submittal of the original application in November of 2009. The project plans remain exactly as proposed in the original application. All other comments and questions listed by Lane Packwood in his letter and checklist are addressed in detail in the attached pages.

The City of Buhl and all residents of this community desperately need ICDBG assistance. Without grant assistance, this project cost is an overwhelming burden on the residents of Buhl, 63% of which are low to moderate income.

Our community's residents cannot afford this project without grant assistance. This project must be constructed or we will not be in compliance with federal mandates.

Your consideration of our request for ICDBG assistance is sincerely appreciated.

Sincerely,

Original letter, with signature is  
being submitted with hard copy

Tom McCauley, Mayor

City of Buhl  
Wastewater System Improvements Project

Idaho Community Development Block Grant Application

# Addendum

Following are all items in the Addendum Checklist provided with the City's invitation to submit this addendum:

☒ **Cover Letter** (*precedes this checklist*)

**Submittal of updated:**

☒ **Application Information Page:** Attached.

☒ **Budget Page with approved line-items Attached:** No changes since original ICDBG application was submitted last November.

☒ **EAC Briefing Page:** Attached. No changes since original ICDBG application was submitted last November.

☒ **Detailed Cost Analysis:** Attached. The project contingencies are budgeted at, but not over, 10% as documented in the City Engineer's detailed cost estimates which are attached. The only change since the original application was submitted is documentation of further work with the design engineers.

☒ **Project Schedule Page:** Attached. The schedule was re-examined by the grant writer and the City Engineer to ensure all actions, permits, winter shutdown, acquisition and reviews have been determined and scheduled.

☒ **Design Professional Cost Estimate, with notation from engineer that estimates and plans are current:** The cost estimates have not changed. They were reviewed again by the City Engineer to ensure that they are current and that they are still the most accurate estimate possible. They are stamped, signed and dated 2/10/10 by the City Engineer to document his recent review.

☒ **Provide written evidence of the community's ability to secure match committed to project:** The original application, submitted last November, included letters from the bond counsel documenting passage of the bond election and the sale of the bonds to the Idaho Bond Bank, including amount

and date of purchase. We also provided, in the original application, notice the City received of the Congressional appropriation

Our invitation to submit an addendum asks for documentation of the STAG award. Unfortunately we cannot get to that point yet as we don't even know the final numbers. They always hold out some administrative costs from the Congressional appropriations. So the STAG app cannot be finalized, thus we can't lock in the award at this time. Attached is an e-mail from Kevin McNeill with EPA that documents this situation.

However as a backup, if Commerce is worried about match not being available should the STAG disappear, the City did pass the bond and the Idaho Bond Bank has bought the bonds with the intent of funding the entire project that way. STAG / appropriations will help with the user rate situation, but either way the City is will finish the project as it is being mandated. So if something happened to the STAG award, the money is still there - just at a higher cost to the users.

- ☒ **Provide documentation of clear title & value of any property that has been purchased:** No property is needed for completion of this project. All work will be done on property which is already owned by the City, or in existing right of ways. This was documented by the City Engineer in the original application submitted last November.
- ☒ **Provide pro forma or underwriting assessment by the lending agency on how rates were determined:** The Idaho Bond Bank reviewed and assisted the City in determining the user rates. That documentation was provided in the original application submitted last November. Those new rates have been adopted. Also in that application, the City Engineer documented that if the City received ICDBG funding, it would potentially lower the user rates by 3.2% (see engineer's project description in the original application, Exhibit 2).
- ☒ **Fair Housing Resolution:** The City's Fair Housing Resolution was adopted on December 10, 1997. It was published most recently on February 10, 2010. A copy of the affidavit of publication is attached.
- ☒ **Identify any changes to the project scope of work from the original application:** There have been no changes to the scope of work from the original application. The City Engineer has noted this on the attached Design Professional Cost Estimates.

☒ Answer the questions and provide documentation to the questions in the cover letter:

- **Provide clarification / copy of consent order:** Attached is a copy of a letter received from EPA last month, in which EPA references the CONSENT AGREEMENT AND FINAL ORDER which was entered into by the City and EPA in 2005.
- **Provide copy of STAG award:** Please see above section regarding City's ability to secure match.
- **Provide Random Number Sequence generated for income survey:** This documentation was reviewed by Dennis Porter at Commerce on 2/19/10 and is not attached due to the large volume of pages.
- **Provide copy of City's most current financial statement audit:** Electronic copy was submitted via e-mail on February 8th, 2010.

# **ATTACHMENTS**

1. Application Information Page
2. Budget
3. EAC Briefing
4. Detailed Cost Analysis
5. Project Schedule
6. Design Professional Cost Estimate
7. Affidavit of publication of Fair Housing Policy
8. Letter from EPA documenting the fact that the City and EPA entered into a Consent Agreement and Final Order.
9. E-mail from Kevin McNeill regarding pending STAG award

## ICDBG Application Information Form

Applicant: City of Buhl Chief Elected Official: Charles Sheridan, Mayor

Address: 203 North Broadway; Buhl, ID 83316 Phone: 208-543-5650

Application Prepared by: Susan Riddle, P.C.E.D. Phone: 208-736-7056

Address: 728 Cypress Way; Twin Falls, ID 83301

Engineer: J-U-B Engineers Phone: 208-733-2414

Address: 115 Northstar Avenue; Twin Falls, ID 83301

### National Objective

### Project Type

☒ LMI Area    ☐ LMI Clientele    ☐ Imminent Threat    ☒ **Public Facility/Housing**    ☐ Community Center  
☐ LMI Jobs    ☐ Slum & Blight    ☐ Economic Development    ☐ Senior Center

### Project Population to Benefit (Persons):

Total # to Benefit: 4048

Total # LMI to Benefit: 2550

% LMI to Benefit: 63 %

% Minority Population: 18.9 %

PROJECT DESCRIPTION: Construction of a wastewater system upgrade to bring the City into compliance with EPA Consent Order. The project includes a new facility headworks, oxidation ditch mechanical treatment plant, biosolids handling facilities, disinfection system improvements and lab & control building to operate & maintain the new facilities.

SOURCE	AMOUNT	DATE APPLICATION SUBMITTED	RESERVED/ CONDITIONAL AWARD	FUNDS COMMITTED/ CONTRACT AWARD DATE	DOCUMENTATION IN APPENDIX ***
ICDBG	500,000				
Local Cash	404,000			10/09	Cover Letter
Local Loan*	14,047,348			11/08	EXHIBIT 1
STAG Grant	750,000			10/09	EXHIBIT 1
TOTAL PROJECT FINANCING	15,701,348				

- Identify Loan Source's Idaho Bond Bank
- Date Bond Passed: August 1, 2006 **EXHIBIT 1**
- Date Congressional appropriation announced: October 30, 2009  
(this will be funded through an EPA STAG grant)

## X. ICDBG BUDGET FORM

Applicant or Grantee: City of Buhl

Project Name: Wastewater System Upgrade

LINE ITEMS	ICDBG Cash	Local Cash	BOND FUNDS	STAG FUNDS	Total
Planning		4,000			4,000
Administrative			65,000	15,000	80,000
Engineering - Design		400,000	813,360		1,213,360
Engineering - Construction	500,000		683,988		1,183,988
Construction			12,465,000	735,000	13,200,000
Legal & Audit			20,000		20,000
Total Costs:	500,000	404,000	14,047,348	750,000	15,701,348

\* ICDBG Construction costs are for engineering only. No labor will be involved with those costs, thus Davis Bacon rates do not apply.

\* Cost estimates have been re-examined and determined to still be accurate, stamped and signed by the City Engineer, and are attached.

\* ID Department of Commerce staff has approved those costs already spent on design engineering, and any engineering and construction costs incurred between now and grant award as eligible to be counted as match: **EXHIBIT 13 of original application.**



**Need:** The City is under a CONSENT ORDER from EPA, which is an officially identified violation of federal health & safety regulations. The City is not in compliance with their National Pollutant Discharge Elimination System (NPDES) permit, and was fined by EPA for that non-compliance in January of 2005. At that time the City was already in the process of procuring an engineering consultant to address the problem. It is the overwhelming price tag of this project along with the also mandated water system improvements project, currently under construction, that has required the City to take the time for an comprehensive facility study, including extensive public involvement, and funding options research. The cost of the two projects combined is over 23 million dollars. That creates a devastating impact on a community that is 63% low to moderate income. ICDBG funding would lower the cost impact on the residents.

**How need will be addressed:** The proposed project will bring the City's wastewater project into compliance with all regulations, while also resolving all other system deficiencies and needs. The project is designed on a twenty-year projection, but since the City owns more ground than required for this project the City engineer anticipates that the facility should function well beyond that time frame.

**Cost:** Total project cost is \$15,701,348.00

**Local ability to finance:** This project along with the 8 million dollar water project now under construction (also mandated) is a severe financial burden to the residents. There is no way they can survive this project without as much financial assistance as possible. The City has already increased user rates by 280% to cover the bond repayment. Citizens are having to cut basic needs from their budgets in order to pay their utility bills. One resident, a senior citizen, stated that it is coming down to a decision of whether to pay her utility bill or buy her medications. The City has pledged and already spent \$400,000 to pay for some of the design fees. The residents passed a bond election, so legally the funds are there, but they cannot afford the payments without the help of grant funds. Obviously this project has to proceed, but the residents of Buhl need your assistance to help make it affordable for them.

**Local effort and commitment:** Residents attended numerous public meetings regarding the bond election stating that this kind of user fee would require them to cut back on other necessities, including medications, heat and groceries. Yet even so, they understood the need for this project and showed their support by passing bond elections for both projects. The \$15 million dollar wastewater project bond passed with 74% voter approval and the \$8 million dollar water bond passed with 72% voter approval.

**Local and regional impact:** When a city is not in compliance with safe and healthy drinking water regulations, they cannot effectively recruit any new business or industry. That hurts the local economy, which in turn harms the regional economy. This project would eliminate that problem, thus providing a tremendous beneficial local and regional economic impact.

All 4,048 persons who live in the project area, 63% of whom are low to moderate income, will benefit directly from this project.

## Detailed Cost Analysis

1. Have preliminary plans and specs been submitted to regulatory agencies for review?   X   Yes    No

If yes, list date submitted:   August 2008  

If no, list expected date to be submitted:                     

2. Has final design (for bidding) begun?   X   Yes    No

If yes, % complete:   100   %

If no, what is expected start date:                     

3. Will project include bid alternatives to meet project budget if necessary?   X   Yes    No

4. Are Davis Bacon wage rates applicable to the project?    Yes   X   No

If yes, are they included in the project costs?    Yes    No

5. Have known environmental measures been included in project costs? (ex: dust mitigation, archaeological survey, storm water drainage, wetland mitigation etc.)   X   Yes    No

6. List the last date the owner and design professional discussed project design and details. Date:   February, 2010

7. Design Professional Cost Estimate may be found in **EXHIBIT 8** of original application and also attached to the addendum, showing no change.

Cost analysis completed by: Scott L. Bybee, City Engineer  
October 19, 2009

and

Re-examined and updated: February 12, 2010

Original document, dated,  
with engineer's stamp and  
signature is being submitted  
with hard copy

## Project Schedule

Project Activity	Date (to be) Completed	Documentation in Appendix
Design Professional Contract Executed	August 15, 2006	This contract is for match only. A copy can be provided upon request. IDC has received copies of all invoices w/check #'s for payments
Construction Engineering Contract	December 2009	
Grant Administration Contract Executed	October 12, 2009	<b>EXHIBIT 5 - Orig. app</b>
Environmental Release	May 2010	
Bid Document Approval	May, 2009	<b>EXHIBIT 9 - Orig. app</b>
Bid Opening	March, 2010	
Construction Contract Executed	March, 2010	
Start Construction	March, 2010	
Construction 50% Complete	December, 2010	
Second Public Hearing	September 2011	
Certificate of Substantial Completion	October, 2011	
Update Fair Housing Plan	July 2010	
Update 504 Review and Transition Plan	July 2010	
Construction 100% Complete	November, 2011	
Final Closeout	December 2011	

Original document, dated, with engineer's stamp and signature is being submitted with hard copy, documenting that the engineer has re-examined the schedule. A few slight changes have been made from the original application.

**CITY OF BUHL**  
**WASTEWATER UPGRADE PROJECT**  
**PROJECT COST ESTIMATE**  
**NOVEMBER, 2009**

Description	EST. COST	ICDBG GRANT	CITY OF BUHL BOND FUNDS	CITY FUNDS	STAG GRANT
<b>ADMIN. AND DESIGN:</b>					
Grant Preparation	\$4,000			\$4,000	
ICDBG Administration	\$25,000		\$25,000		
Project General Administration	\$55,000		\$40,000		\$15,000
Design Engineering	\$1,213,360		\$813,360	\$400,000	
Construction Engineering	\$1,183,988	\$500,000	\$683,988		
Audit and Legal	\$20,000		\$20,000		
<b>CONSTRUCTION:</b>					
Headworks	\$850,000		\$115,000		\$735,000
Influent Pump Station	\$500,000		\$500,000		
Oxidation Ditch	\$2,900,000		\$2,900,000		
Secondary Clarifiers	\$1,350,000		\$1,350,000		
Effluent Filters	\$1,250,000		\$1,250,000		
UV Disinfection	\$450,000		\$450,000		
Biosolids Holding Tanks	\$750,000		\$750,000		
Biosolids Dewatering	\$1,180,000		\$1,180,000		
Lab and Control Building	\$850,000		\$850,000		
Site Work	\$1,920,000		\$1,920,000		
10% Construction Cont.	\$1,200,000		\$1,200,000		
<b>TOTAL EST. COSTS</b>	<b>\$15,701,348</b>	<b>\$500,000</b>	<b>\$14,047,348</b>	<b>\$404,000</b>	<b>\$750,000</b>

PREPARED BY: SCOTT L. BYBEE, P.E. - CITY ENGINEER  
NOVEMBER, 2009

**Re-examined and determined to still be accurate: February 2010**

**There have been no changes to the scope of work from the original application.**

Original document, dated, with  
engineer's stamp and signature is  
being submitted with hard copy

# Affidavit of Publication


State of Idaho  
County of Twin Falls

} ss.

I, **Sandra K. Wisecaver**, do solemnly swear that I am the publisher of **The Buhl Herald**, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper February 10, 2010

\_\_\_\_\_ ; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in **Buhl, Twin Falls County, Idaho**, for a period of more than 78 weeks prior to the first publication of the attached notice.

  
Sandra K. Wisecaver, Publisher

Subscribed and sworn to before me this  
10th day of February, 2010



Tamra Burton, Notary Public.  
Residing at Buhl, Idaho  
My Commission Expires  
March 13, 2014

## CITY OF BUHL FAIR HOUSING RESOLUTION

LET IT BE KNOWN TO ALL PERSONS OF the City of Buhl that discrimination on the basis of race, color, religion, gender or national origin in the sale, rental, leasing or financing of housing or land to be used for construction of housing or in the provision of brokerage services is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law).

It is the policy of the City of Buhl to encourage equal opportunity in housing for all persons regardless of race, color, religion, gender or national origin. The Fair Housing Amendments Act of 1988 expands coverage to include disabled persons and families with children. Therefore, the City of Buhl does hereby pass the following Resolution.

BE IT RESOLVED that within available resources the City of Buhl will assist all persons who feel they have been discriminated against because of race, color, religion, gender, national origin, disability or familial status to seek equity under federal and state laws by referring them to the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Compliance Division.

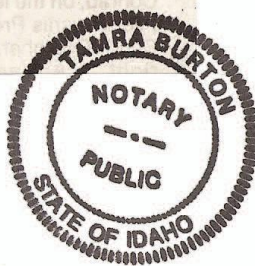
BE IT FURTHER RESOLVED that the City of Buhl shall publicize this Resolution and through this publicity shall encourage owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and amendments and any applicable state or local laws or ordinances.

SAID PROGRAM will at a minimum include: 1) publicizing this resolution; 2) posting applicable fair housing information in prominent public areas; 3) providing fair housing information to the public; 4) preparing a fair housing impediments analysis; and 5) declaring April as Fair Housing Month.

### EFFECTIVE DATE

The Fair Housing Resolution was adopted on December 10, 1997.

Tom McCauley, Mayor  
(Published in the Buhl Herald February 10, 2010)



Letter from EPA documenting the fact that the City and EPA entered into a Consent Agreement and Final Order - attached to electronic submittal separately as an Adobe file.

Copied and pasted below is an e-mail from Kevin McNeill regarding pending STAG award. Actual printout of this e-mail is included in hard copy submittal.

-----Original Message-----

From: Kevin.Mcneill@deq.idaho.gov [mailto:Kevin.Mcneill@deq.idaho.gov]  
Sent: Friday, January 22, 2010 1:41 PM  
To: sbybee@mindspring.com; smriddle@cableone.net  
Subject: RE: Buhl STAG Application

If you can also forward an e-copy of the draft application for the Buhl DW appropriations I would appreciate it.

The EPA has not released the Guidelines for the FY10 Appropriations yet so we do not know the final numbers for those. However, if you want to forward at this time the draft wording of the Work Plan and Schedule I can review those.

Unfortunately I will not be in the office on the 27th to meet Mayor McCauley, but look forward to meeting him sometime in the future.

Best regards,

Kevin

-----Original Message-----

From: scotty [mailto:sbybee@mindspring.com]  
Sent: Friday, January 22, 2010 10:36 AM  
To: Kevin Mcneill; smriddle@cableone.net  
Subject: Buhl STAG Application

Kevin:

I am completing my portion of the Buhl STAG application today and will be meeting with Susan later today to package everything up and send you the draft application on the water. We will be working on the STAG sewer application next week but at this point I don't know the amount to use for that application. If you have that number I would appreciate you sending it to us.

On another note. The new Mayor in Buhl, Tom McCauley, will be in Boise on the 27th and was wondering if you might have 10 minutes for him to stop by and introduce himself. If there is a time that would work, I would be happy to pass it on to him.

Thanks, SCott